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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,941	11/30/2001	Jasmin Jijina	GP-301932 (2760/39)	8847

7590 07/09/2004

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EXAMINER

ELAHEE, MDS

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,941

Applicant(s)

JIJINA ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Withdrawn of Finality of Last Office action

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. This action is responsive to an amendment filed on 01/05/04. Claims 1-19 are pending.

Response to Arguments

2. Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Objections

3. Claims 7, 15 and 18 are objected to because of the following informalities: regarding claim 7, the phrase "either a voice mail module either a voice mail module" on lines 7 and 8 is confusing and the "either a voice mail module" (second occurrence) should be deleted.

Regarding claims 15 and 18 are objected for the same reasons as discussed above with respect to claim 7.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 7-9 and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 7-9 and 15-19, the phrase "maintaining a call state of the voice call in response to an answering by the first telematic device" is unclear what the "call state" is. Note, A

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call has multiple states, such as ringing state, talk state, etc. Does the call state refer to the state when the call is answered by the first telematic device?

Regarding claims 1, 7, 9, 15, 17 and 18, the phrase “fake rings” is indefinite because no clear definition can be found about such “rings” (Note, the ring sound is real and not “fake”). If the claimed “fake rings” refers to locally generated ringing signals from a mobile phone, all mobile phones are doing that. If the claimed “fake rings” refers to rings that is generated by the mobile phone AFTER the call is answered, applicant need to amend the claim language to reflect such feature.

Specification

6. The disclosure is objected to because of the following informalities: the specification states on page 1, lines 24-26, “the wireless network 20 attempts to route a voice call from a caller of the business phone 10 to the portable phone 30 as symbolized by the in-coming rings and the system rings”. It is not clear what is the different between “in-coming rings” and “system rings”. Appropriate correction is required.

Drawings

7. New corrected drawings are required in this application because 1) the phrases “IN-COMING RINGS” and “CALL FORWARD RINGS” used in of fig.1 and fig.4, appears to be “IN-COMING CALL”, “CALL FORWARD CALL” simultaneously and 2) the phrase “INCOMING RINGS” used in step s52 of fig.3 appears to be “INCOMING CALL”. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are

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required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 7, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art.

Regarding claims 1 and 17, Applicant's admitted prior art teaches maintaining a call state (Note, Examiner interprets the claimed "Call state" as a state of existence of the signaling path of a call (i.e., path to send control signal to the mobile to ring the phone or send "off-hook" signal from the mobile to the mobile switch). It is clear that such signaling path is maintained in step s64 of fig.3 during "ringing stage" such that the mobile switch can detect if the call is answered.) of the voice call in response to an answering by the first telematic device of one or more call forwarding rings indicative of the voice call (fig.3; page 2, lines 11-18, page 3, lines 1-4).

Applicant's admitted prior art further teach forwarding the voice call to a voice mail system in response to a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call (fig.3; page 2, lines 11-18, page 3, lines 1-4). (Note: Examiner interprets "fake rings" as ringing signals generated by a mobile phone which the phone 40 in fig.3 must do that to alert the user about an incoming call.)

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However, applicant admitted prior art does not teach another destination besides voice mail module for the call to be forwarded to. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Applicant's admitted prior art to program the switch disclosed in fig.1 of the current application in order to forward the call by dialing the number of either a second telematic device or a telecommunication device in response to a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call. Forwarding the call to a particular destination has no patentability significant because it is just a matter of programming a destination number into the switch such that the switch will automatically route the call to that destination.

Regarding claim 2 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Applicant's admitted prior art teaches monitoring ring back tones provided by the first telematic device in response to answering the one or more call forwarding rings (fig.3; page 2, lines 11-18, page 3, lines 1-4).

Applicant's admitted prior art further teach the voice call is forwarded to either the voice mail module, the second telematic device or the telecommunication device in response to a failure of a user of the first telematic device to answer one or more fake rings after a prescribed number of ring back tones (fig.3; page 2, lines 11-18, page 3, lines 1-4).

Regarding claims 7 and 18 are rejected for the same reasons as discussed above with respect to claims 1 and 2.

10. Claims 3, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and in view of Chakravarti et al. (U.S. Patent No. 5,369,695).

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Regarding claim 3, Applicant's admitted prior art teaches answering the one or more call forwarding rings by the first telematic device (fig.3; page 2, lines 11-18).

However, it is not clear whether Applicant's admitted prior art teaches "initiating a timer in response to answering the one or more call forwarding rings". Chakravarti teaches initiating a timer in response to answering the one or more call forwarding rings (col.4, lines 31-59). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Applicant's admitted prior art to allow initiating a timer in response to answering the one or more call forwarding rings as taught by Chakravarti. The motivation for the modification is to have doing so in order to wait for response before redirecting the call.

Applicant's admitted prior art further teach that the voice call is forwarded to either the voice mail module, the second telematic device or the telecommunication device in response to the first telematic device does not answer the call forward rings withinh a prescribed period (i.e., dropping the voice call within a prescribed timer window) (fig.3, steps s64, s66; page 2, lines 11-18, page3, lines 1-4).

Regarding claims 8 and 19 are rejected for the same reasons as discussed above with respect to claims 1 and 3.

11. Claims 4, 9, 10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and in view of Roberts et al. (U.S. Patent No. 6,208,854)

Regarding claim 4, Applicant's admitted prior art fails to teach "providing an announcement to a caller of the voice call, the announcement indicating the forwarding of the voice call to the first telematic device". Roberts teaches playing a message to the calling party, the message can alert the calling party that the call is being processed (col.5, lines 30-35;

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‘message to the calling party’ reads on the claim ‘providing an announcement to a caller of the voice call’ and ‘message can alert the calling party that the call is being processed’ reads on the claim ‘the announcement indicating the forwarding of the voice call to the first telematic device’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Applicant’s admitted prior art to provide an announcement to a caller of the voice call, the announcement indicating the forwarding of the voice call to the first telematic device as taught by Roberts. The motivation for the modification is to have doing so in order to provide the notification message to the caller.

Regarding claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Applicant’s admitted prior art teaches a call forwarding module operable to forward a voice call to a first telematic device (fig.3; page 2, lines 11-18).

Applicant’s admitted prior art fails to teach “ a voice portal operable to maintain a call state of the voice call”. Roberts teaches a second computer readable program code operable to route a call (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; ‘second computer readable program code’ reads on the claim ‘voice portal’, ‘route a call’ reads on the claim ‘maintain a call state of the voice call’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Applicant’s admitted prior art to incorporate a voice portal operable to maintain a call state of the voice call as taught by Roberts. The motivation for the modification is to have doing so in order to maintain the call stat using a second computer readable program code.

Applicant’s admitted prior art further fails to teach “said voice portal further operable to forward the voice call to either a voice mail module, a second telematic device or a

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telecommunication device in response to a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call". Roberts teaches second computer readable program code further operable to route a call to the called party's landline communication unit in response to unavailability of the called party's wireless communication (fig.2-5; col.1, lines 64-67, col.2, lines 1-47, col.3, lines 58-67, col.4, lines 1-12, 16-36; 'second computer readable program code' reads on the claim 'voice portal', 'route a call' reads on the claim 'forward the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'unavailability of the called party's wireless communication' reads on the claim 'a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call'). (Note: when a call is routed to the called party's wireless communication unit, the wireless communication unit inherently starts ringing which is fake rings)

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Applicant's admitted prior art to allow the voice portal further operable to forward the voice call to either a voice mail module, a second telematic device or a telecommunication device in response to a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call as taught by Roberts. The motivation for the modification is to have doing so in order to forward the call to either another number or a voice mail whenever the routed call will go unanswered.

Regarding claim 10 is rejected for the same reasons as discussed above with respect to claims 2 and 9.

Regarding claim 12 is rejected for the same reasons as discussed above with respect to claims 4 and 9.

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Regarding claim 15 is rejected for the same reasons as discussed above with respect to claims 9 and 10.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and in view of Fuller et al. (U.S. Patent No. 5,375,161).

Regarding claim 5, Applicant's admitted prior art in view of Roberts fails to teach "playing music for a caller of the voice call while maintaining the call state of the voice call". Fuller teaches playing music on-hold for a caller of the call while processing the call (col.38, lines 52-68, col.39, lines 1-68, col.40, lines 1-68, col.41, lines 1-8; 'music on-hold' reads on the claim 'music' and 'call while processing the call' reads on the claim 'voice call while maintaining the call state of the voice call'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Applicant's admitted prior art in view of Roberts to allow playing music for a caller as taught by Fuller. The motivation for the modification is to have the playing music for a caller in order to give the comfort to the calling party.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and in view of Goldman et al. (U.S. Patent No. 6,493,442).

Regarding claim 6, Applicant's admitted prior art fails to teach "running an advertisement for a caller of the voice call while maintaining the call state of the voice call". Goldman teaches running an advertisement for a caller of the call while processing the call (col.4, lines 28-49; 'call while processing the call' reads on the claim 'voice call while maintaining the call state of the voice call'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Applicant's admitted prior art to

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allow running an advertisement for a caller as taught by Goldman. The motivation for the modification is to have the advertisement in order to provide certain information.

14. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and in view of Roberts et al. (U.S. Patent No. 6,208,854) and further in view of Chakravarti et al. (U.S. Patent No. 5,369,695).

Regarding claim 11 is rejected for the same reasons as discussed above with respect to claims 8 and 9.

Regarding claim 16 is rejected for the same reasons as discussed above with respect to claims 3 and 9.

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and in view of Roberts et al. (U.S. Patent No. 6,208,854) and further in view of Fuller et al. (U.S. Patent No. 5,375,161).

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claims 5 and 9.

16. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and in view of Roberts et al. (U.S. Patent No. 6,208,854) and in view of Goldman et al. (U.S. Patent No. 6,493,442).

Regarding claim 14 is rejected for the same reasons as discussed above with respect to claims 6 and 9.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carlsen et al. (U.S. Patent No. 6,192,254) teach Personal portable apparatus for use

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in completing a telephone call, Foadare et al. (U.S. Patent No. 6,516,060) teach Advanced call sequencing service and Slusky (U.S. Patent No. 5,487,111) teach Telecommunications system sequence calling.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.

MD SHAFIUL ALAM ELAHEE

June 28, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 28

